

THE LONG, UNHAPPY LIFE OF THE HARE SYSTEM IN BOULDER

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In 1893 a Populist legislator from the mountain town of Montrose introduced legislation that would give the women of Colorado the ballot. Aided by the Populist governor, Davis H. Waite, the bill passed, and the issue went to the all-male electorate in November. Colorado men graciously gave their women folk the franchise, the first time state-wide women's suffrage had been approved by referendum. (The first state to grant women the right to vote - Wyoming - did so when legislation passed by the territorial legislature was signed by the Governor.) (Athearn, 163-164)

In the years immediately before and after the turn of the century radicals, like the Populists, had their day, they built coalitions with other groups in society, and they made some noteworthy political changes. Various types of unions sprang up, and strikes in the gold and silver fields, as well as the coal mines became commonplace. An eight-hour-day law went on the books in 1895, but was declared unconstitutional by the Colorado Supreme Court. One defeat followed another until finally, in 1913, labor achieved the eight-hour day.

Progressives and urban reformers sought other changes. A 1904 amendment to the state constitution approved home rule for cities, and in hopes of making Vox Populi the near equivalent of Vox Dei, the reformers were able to add the initiative and referendum to the state's charter. Well organized in church groups, women were able to help achieve the suffrage for themselves, and while Colorado women looked with sympathy at Susan B. Anthony and her national suffrage movement, their having achieved the vote enabled them to concentrate on efforts to legislate against Demon Rum in the cities, counties and the state at large.

Boulder was no more radical than the state itself, and there was very little labor trouble to add yeast to local politics. But as the seat of the

state university, it was doubtless more cosmopolitan than any other city in the state except for Denver. Boulder favored the home-rule amendment in 1904, and in slightly more than a decade it was to use that amendment to adopt the council-manager plan and the Hare system of proportional representation. Shortly after the turn of the century the city followed the example of Chicago by calling in Frederick Law Olmsted, the Younger, to draw up a city plan. And city fathers prevailed upon federal authorities to grant them several square miles of mountain land immediately to the west for parks and open space.

While there was no feminist movement as such in the city, one of the two principal mobilizing issues for women - the franchise - having been settled, a woman and Boulderite was a member of the first graduating class of the university's new law school. Nor was keeping Boulder "dry" the only political concern of the women; civic reform was a prime goal, and several women activists had a hand in the creation of the home-rule charter of 1917.

If it is too much to call the quarter century that ended with World War I the golden age of reform in both Colorado and Boulder, we can surely say that whatever gold there was during that period soon lost its luster in the 1920's. A new radicalism pushed itself to the fore, this time, however, a radicalism of the Right rather than the Left.

The 1920's saw the Populists confounded, the Progressives dispatched to the minor eddies of state politics, the urban reformers seeking to defend their gains rather than making advances on new fronts. The farmers were more interested in extracting money from the federal treasury than fighting the railroad barons. The Cattlemen's Association lobbied in Denver for more money for ranch roads and "reforms" in the general property tax that would benefit agriculture.

All of that digging of trenches to preserve gains hard fought for, and all of that all-so-typical pursuit of self interest might have been shrugged

off if there had not been a sudden blossoming of something that can only be called native fascism. There had been barbarism in Colorado before: the slaughtering of peaceful Indians, mostly women and children, at their encampment at Sand Creek, commonly called the Sand Creek Massacre; the assault upon striking coal miners and their families in the Ludlow Massacre. The Ku Klux Klan produced a modernized form of barbarism peculiarly suited to the 1920's.

The Palmer Raids nationally give us an example of anti-communist hysteria unrivalled save for the shabby performance of Senator Joseph McCarthy (R-Wisconsin) during the early 1950's. Far more important to the Rocky Mountain West was the KKK, and in Colorado it achieved its major gains: "here it took over the state government and threatened not only to wipe out any political and social gains made in the progressive era, but also to place Colorado at the forefront of reactionary segments of western society." (Athearn, 244)

The Klan paper was published in Boulder, and the editor sought to wrap himself in the American flag. Statewide, Klansman Clarence J. Morley was elected governor on the Republican ticket, and the Klan took over the Republican party. When Morley proposed to Boulderite George Norlin, former professor of Greek and then president of the University of Colorado that he should fire all Catholics and Jews from the faculty in order to persuade the governor and legislature to pass adequate appropriations for the university, Norlin gave him a brief and succinct "no". "The existence of a millage levy, recently passed by a referendum, provided enough funds to keep the university afloat until the political storm had abated." (Athearn, 246)

Boulder had more to put up with than a Klan governor who wanted to bring the university to heel, or a Klan newspaper that wanted to rid the state of aliens (meaning "Mexicans"), Jews, Catholics, and communists. The 1917 charter came under vigorous, one might say unbridled attack in 1923 and 1925. It survived handily, but the reformers were hardly ready to go searching out new ground.

The 1930's were desperate times for Boulder, the state and the nation. Once again, in 1932, the reformers fought off attacks upon the city charter, the state imposed a sales tax to give a welfare stipend to the elderly, the people of Colorado approved an amendment to the constitution to impose an income tax.

The war years saw major changes, though little of Boulder's making, or the state's. There was sudden prosperity; there was an influx of the Ausländer<sup>11</sup>, unused to the state's political culture; there were the federal concentration camps set up for Japanese-Americans forcibly removed from their homes on the West Coast to the safe Rocky Mountains.

Immediately after the war in Boulder there was an assault on the reforms of 1917. The Hare system was abandoned, and there ensued a period of peace and prosperity unchallenged until the emigration of the 1960's and the war in Viet Nam changed the entire civic culture.

## II

A home-rule charter! That possibility intrigued political activists in Boulder. Only prohibition could excite more debate - and sometimes outright physical combat - and the women of Boulder were in the forefront of the "dry" movement. After the approval of a local option statute in 1907 for the entire state, the prohibitionists mobilized to preserve local purity. When the state terminated all liquor sales as of January 1, 1916, the battle was hardly won. In the words of the preeminent authority on Colorado history, "since the law permitted each household two quarts of hard liquor, six quarts of wine, or twenty-four quarts of beer each month for medicinal purposes, drinkers hardly perished from thirst." (Athearn, 229) For the moment that state law made local option all the more imperative for many of Boulder's political leaders.

For sizable numbers of the Boulder leadership prohibition of the sale of intoxicating beverages was an important catalytic agent. Since Boulder women could vote and hold office, the suffrage movement was an abstraction to which

they could identify nationally, but to which they could not give primary labor and concern. And to many of the Protestant, teetotaling men, who dominated the community, and who stood for parks, city planning a la Frederick Law Olmsted, and open space (the Boulder Mountain Parks), and who otherwise supported urban reforms, prohibition was a cement, a connecting link.

Proponents of the home-rule idea several times charged into the lists, and several times were beaten back. Finally, in 1917, the charter advocates won after a petition calling for a charter convention was approved by city council. Showing disdain for commonplace procedures, the charter advocates called a mass meeting to nominate candidates for seats on the charter convention, and those nominated were distributed among occupational and interest groups as follows:

Labor .....	4 members
Commerce and Administration .....	7 members
Women .....	2 members
Public Health.....	2 members
Education .....	2 members
Legal .....	2 members
Parks and Recreation .....	2 members

Those nominees were elected in August, and the convention produced a charter which was approved at a special election in November by a margin of 5 to 1. The major innovations embodied in the new charter were the Hare system of proportional representation and the council-manager form of government. The women and other prohibitionists, as well as the other leaders of the urban polity had been well tutored by the literature of the National Municipal League and other urban reform groups.

A month later the Hare system was put into operation with the election of nine council members from a field of twenty. Of the two women candidates, one was successful, the first woman in history to serve on the Boulder council.

Ferrigo, 73-80)

The method of counting votes was standard Hare:

$$\text{quota} = \frac{\text{Number of valid ballots}}{\text{Number of seats to be filled} + 1}$$

(Lien, 250)  
and Charter

Subsequent balloting was to show that the charter drafters had made two errors: (1) only three seats were to be filled at each election, and (2) the names of candidates were to be listed in alphabetical order. Never corrected, those errors may have contributed to the Hare plan's being abandoned in 1947.

After the first election of 1917, which produced a council "of ability and distinction" (Lien, 250), the campaigns of 1919 and 1921 were less than satisfactory from the standpoint of the reformers. They were devoid of issues, turnout was low, and opposition to the new charter grew. But the alarming number of invalid ballots which appeared in 1919 was greatly reduced in 1921. And Ida Campbell, charter convention member and first woman council member was reelected. During this period the only other woman candidate was defeated. (Lien, 255)

Opposition to the new charter gained sufficient strength to put initiative petitions on the street early in 1923, and on April 10, 1923 Boulder citizens voted on amendments that would have restored the mayor-council form of government and abolished the Hare system. With the largest turnout in Boulder history the defenders of the new charter won handsomely, 2730 to 1340. An editorial writer for the Boulder Daily Camera hailed the vote as a rebuke to the "unfair, dishonest and indecent tactics of would-be leaders of this town." (Ferrigo, 83)

Whether the turbulent nature of Colorado state politics contributed to the divisive campaign against the charter in April is unknowable. At the following general city election in November, paradoxically, D. H. Bracy was one of the three councilmen elected, and he owed his victory to the Hare system which he

had opposed in April. That election showed up again the problem of invalid ballots. (Lien)

While there is some evidence locally that a bitter political campaign can act as a purge of the body politic, no such purification occurred in Boulder. Coming upon the scene was a formidable leader of those who would change the charter: Herbert S. Hadley, ex-governor of Missouri and professor of law at the university. The Hadley campaign of 1925 was strictly *déjà vu*: weaken the manager plan and abolish Hare. Both sides exchanged bitter charges; charter partisans claimed that their opponents were supported by the Ku Klux Klan (at a time when the state government had been taken over by the Klan). The Hadley group said that the city manager was poisoning Boulder citizens by putting chlorine in the water system. (Smith, 162-163). So unrestrained was the campaign that the Ministerial Association appealed to all and sundry that Boulder's spirit of fellowship should remain unbroken. Once again the charter survived by a vote of 1709 to 1284. (Perrigo, 85)

Merciful quiet followed the campaigns of 1923 and 1925. The years, 1927, 1929, and 1931 were as alike to the early and mid-1920's as a puff of smoke is to a cannonade. But peace in Boulder politics does not last overly long, and "a third formal assault occurred in 1933, but was limited to objections to the Hare system of voting.... This beleaguered and continuously disputed element of the home rule charter adopted in 1917 had been justified in terms of its effect on political parties. The charter writers felt that the Hare system 'insures a real representation of like-thinking groups of voters. . .minimizes also the well-known evils of parties and of excessive campaign funds.'" (Stitelman, 83)

Since the council-manager plan had become securely established by 1933, opposition to the provisions of the 1917 charter concentrated on the Hare system. Seeking to retain Hare, friends of the system pulled out all the stops in an educational campaign stretching over many weeks. An appeal to the National



Municipal League brought in the League's expert on proportional representation, George Hallet, Jr., and he spent nine days in Boulder to confound opposition arguments and sing the praises of the Hare system.

Midway in the campaign the Boulder Daily Camera reversed its position and came out in favor of proportional representation. The weekly Journal supported it, as did, unanimously, the Ministerial Association and the Junior Chamber of Commerce. Although the perennial question of whether to retain local prohibition was also on the ballot, both "wets" and "drys" supported Hare. The vote against the repeal of Hare was 1775 to 1215, and prohibition was also retained. (NMR, 22:613-14)

In the council election that followed shortly upon the charter vote, there was one central issue: whether the local public utility was overcharging city customers. Frederick D. Bramhall, Professor of Political Science at the university, ran on a ticket to investigate the utility, he led the field with first-choice votes, and was elected with votes to spare. Coming in second was Mayor Howard H. Heuston, running for reelection, who was the utility company's physician and who represented the company's position. Thus Hare assured both sides of representation in a hotly debated confrontation. (Heuston was to support the retention of Hare in 1947).

After sixteen years of proportional representation in Boulder Sowers concluded that the system had functioned well, but that there were flaws in it. Considering the repeated charge that Boulder citizens did not understand the system, as evidenced by the number of spoiled ballots in every election, he found that those uncountable votes, in percentage terms, varied so greatly from election to election after 1917 that Hare could not be solely or even principally responsible. Another factor that could have had compelling influence was the array of complicated and confusing ballot propositions that were presented to the voter.

A far more salient objection to the Hare system in Boulder, according to Sowers, was the effect of the alphabetical arrangement of candidate names. Out of the 71 candidates running for council from 1917 through 1933 thirty-three were elected, and of those, thirty had names beginning with the letters A through H. No person whose name began with any letter in the last half of the alphabet won a council seat. Even though that flaw gave ammunition to the opponents of the Hare system, its friends made no effort to change it.

Another flaw identified by Sowers was the custom of electing only three council members for six-year terms every biennial election. As he observed, a much better measure of the capabilities of the Hare system could be obtained if all nine council seats were filled at the same time. (Sowers)

For the next fourteen years the Hare system went unchallenged. But the flaws previously mentioned remained, and the election of 1941 showed up another one. Three of the seven council candidates favored municipal ownership of all utility services. Although each one received a goodly number of first-choice votes, they eventually lost to three more conservative candidates, all businessmen. Moreover, the runner-up and one other candidate were university professors.

The contest was one of personalities, not of issues, and the dominant business community won all of the seats, in spite of proportional representation.

One happy result of the 1941 contest, in the eyes of the supporters of the Hare system, was that only 4% of the ballots were invalid, and the count was completed in three hours by a canvassing board of fifteen members. (SMR, 31: 127-128)

### III

In political research it is always intriguing to look for the catalytic agent, that causer of major change, that transformer of events that makes politics take a qualitative leap, upward or downward, to different terrain. Intriguing - and often fruitless.

Nevertheless, I am going to hypothesize that precisely such an event took place in Boulder at the 1945 council election, and that a chain of events ensued which ended in the city's abandoning the Hare system of proportional representation.

A. Gayle Waldrop was an iconoclastic, outspoken professor of journalism at the university, and he was only the second member of the university community of professorial rank to be elected, though a number of others had run for office. He was also among the mere handful of people with surnames beginning with letters in the last half of the alphabet who were elected.

As soon as Waldrop was sworn into office, he began upsetting the apple-cart, or at least attempting to upset it. During his first two years of service not a single one of his motions was debated, simply because not a single one of them was seconded.

Waldrop became one of the issues in the 1947 campaign not only because of his record on council, but because he was a member of the three-man committee working for the retention of Hare. And he was seen by some as a destructive member of a minority group, or a member of a destructive minority. As Edward H. Ellis, a Boulder attorney, put it before a joint meeting of the Kiwanis and Lions clubs in the fall of 1947, "how has Boulder fared under the system? -- the mouthpiece of the Minority always is elected -- he makes motions that are usually so hair-brained that he cannot often get even a single member of the Council to second let alone vote him in." (CAMELIA, 10-29-47) A typical hair-brained Waldrop motion -- the type Attorney Ellis apparently was referring to -- was to instruct the city manager to investigate staff use of city cars for private purposes. It did not get a second.

The opponents of the Hare system submitted initiative petitions to the city clerk early in September, and the clerk certified them as sufficient. The proposal was to amend sections 33, 34, and 35 of the charter to eliminate

Hare and reinstate what was popularly known as the "X" system used before 1917. All that meant was that the citizen would put an "X" beside the names of each of his three favorite candidates. (Camera, 9-26-47) The committee to amend the charter was headed by attorney Wade P. Connell.

The Connell group (Committee for Amendment to Abolish the Hare System) summarized the defects of the Hare system as they saw it:

1. it unduly favors minorities
2. under the regular system of "American" voting, minorities gain representation, but not over-representation
3. adoption of the proposed amendment would not result in lack of minority representation
4. Under the present system the minority has helped block moves to bring business to Boulder
5. System is confusing to the voter
6. Citizen may vote effectively for only one candidate, and thus loses "two-thirds of his right to elect councilmen, as he can only vote for one out of three councilmen effectively." (Camera, 10-25-47)

Whatever the validity of those points -- and all of them could be challenged -- they all of them contained some semblance of appeal to reason. Not so <sup>with</sup> many of the outbursts from members of the Connell group during the campaign.

Here is attorney Ellis again: the Hare system is "Un-American, Undemocratic." It is the system which put Hitler and Mussolini in power; a "slick tool of minorities." After the voter's first choice has been counted for a winner, his ballot is an "Expended Hare," or a "Dead Rabbit." (Camera, 10-29-47)

M. M. Rinn of the Connell group referred to the Hare proponents as "local self-proclaimed technicians and pseudo-scientists," and as "alleged

master minds and soothsayers." (Camera, 10-30-47) Gerold C. Wichmann wrote that it would take a Philadelphia lawyer to explain to the average person how the ballots are counted, and, in fact, "anything is liable to happen to a ballot under the Hare system. No one knows on what pile it may end up or for whom it may be counted, or whether it counts or not." The Hare system is a "Chinese puzzle." (Camera, 10-29-47)

The friends of Hare were far less strident. In supporting the system editorially the Camera argued that Hare had worked, that it had given minorities representation, but assured majority control of the council. By contrast, the proposed "X" system would enable less than half those voting to elect all three winners. (Camera, 10-24-47)

Whether for reasons stemming from innate civility, caution, lack of money, or overconfidence, the Committee to Hold on to the Hare System, headed by F. D. Framhall, Rudolph Johnson, and A. Gayle Waldrop, can hardly be said to have struck back at their opponents with passion reinforced by rectitude. They pointed out, and the data support them, that voter turnout had not been reduced by Hare; that there had been high voter response at various times over the thirty-year period when there had been highly salient issues on the ballot. Moreover, the complexity of the counting process was not a valid reason for change because the citizen generally understood it.

Supporting Hare, Jacob Van Ek, professor of political science, pointed out that a "significant feature of the Hare system is that it allows like-minded voters to get together to vote for a candidate regardless of the place in the city where they may live." (Camera, 10-31-47) Henry O. Andrew warned that if the proposed "X" system were to be adopted with the proposed amendment "Boulder would be plunged into faction or party rule representing a minority which has not and cannot exist under our present system." That would be the inevitable result of plurality election under the proposed

change. (Camera, 10-29-47) Former Mayor H. H. Newton, who had been physician for the Public Service Company, added his voice to those favoring Hare.

But the Hare system lost and lost badly, with 3159 voting to approve the charter amendment and 1370 to reject it. Even in the precinct in which university people were most heavily concentrated it lost by 754 votes to 513. (At the same time Boulder citizens voted to keep the city "dry".)

The Boulder Daily Camera editorialized: "While we argued for the retention of the Hare system we take its defeat with good grace. We have been a believer in minority representation in legislative bodies, for out of opposition generally comes the best legislation. Failure of people to understand how the system works and dissatisfaction over the fact that they have but one choice, under the Hare system, when three are to be elected, helped roll up a big majority for repeal." (Camera, 11-5-47)

Along with the rejection of Hare came defeat of the three candidates for council that had supported it. All had been endorsed by the Labor Political Assembly, hardly a political force to be reckoned with in Boulder at that time. Paradoxically, just as two women had been prominent in the adoption of Hare in 1917, one woman lost for council in its demise. Mrs. Dorothy Thompson, a Hare partisan and one of the three labor candidates, came in fourth in the race for three council seats. She lost by 33 votes in the 14th and final count.

Why did Hare lose in Boulder? On a practical level, we can surely say that the failure of the reformers to correct the deficiencies in the system over a 30-year period was partially responsible. Three candidates running at large did not give sufficient scope to the genius of Hare; five and four candidates elected at alternate two-year elections would have better tested its metal. Scrambling the names on the ballot, so that the people at the top of the alphabet would not enjoy inordinate advantage, would also

have improved the practical output of the plan. The failure of the reformers to correct those relatively minor deficiencies courted disaster.

The faint-hearted campaign waged by the proponents also was a strike against Hare.

And yet, and here is the paradox again, the defeat of Hare stemmed from its failure as a system of proportional representation within the context of Boulder politics. It is surely passing strange that the business-legal community in Boulder was so intent on killing Hare when they had had dominance on the council during the entire thirty-year period. Strange, perhaps, on the surface, but not strange on examination. The business-legal dominance had occasionally been challenged though the challengers had had no more than minimal success. Still, they had been challenged, and as far as those challenged were concerned, that was the fault of the existing system. That was the system in place, it had caused challenges, it was therefore to be abolished.

On the other side were the "minorities." There was a weak labor constituency, there was the university community, there was the evanescent liberal reform community: all had fought at times and in varying degrees for proportional representation. If all of their silver had been turned into dross in election after election, if they had never gotten any kind of significant representation, why should they defend the system with passion fortified by rectitude, which was the only way they could win? The liberal reformers had three times turned aside the forces of darkness. They were not sure, in 1947, where was the darkness and where was the light.

#### IV

There is a postscript to this sad tale. With uncommon prescience the editorial writer for the Camera and one of the partisans of Hare had warned Boulder, and especially the business-legal power group that had had its

day -- its day for thirty years -- that the "X" method of voting had dangers associated with it. It could permit plurality victory of candidates for council, and a plurality meant the possibility of minority dominance.

As the years melded one into the other, as the easy Fifties glided past, and Boulder only glanced at Ike, or even at Adlai, conflict was swept under the rug. On the administrative level, we can see a succession of able city managers who did their duty and produced lasting results. We need only look at City Manager Bob Turner's "spokes-of-the-wheel" policy to control urban sprawl to see that there were important ideas coming from the manager's office.

But the council? Was it any more representative than the councils elected under Hare?

By the early 1960's the unleavened loaf of the late 1940's and the 1950's was showing some yeasty ferment. The university was expanding, and the university community was showing some signs of cohesiveness. Several federal scientific installations were added to the Boulder urban scene and the personnel attracted to them added intellectual ferment. A leading woman political activist, Janet Roberts, was elected to council.

All of these preliminary waves to the oncoming storm rolled in full ferocity over Boulder in the fall of 1971: it was, in the language of the cognoscenti of Boulder Politics, the Tim Fuller Tidal wave. Largely because of the plurality ballot the young, the environmentalists, the women, the blacks, the left-wing Democrats took over city council. They have maintained effective control ever since.

Isn't that poetic justice? Isn't that a case of ones being hoisted on ones own petard?



## Bibliography

Robert G. Athearn, The Coloradans (Albuquerque: University of New Mexico Press, 1976)

Boulder Daily Camera

Arnold J. Lien, "Eight Years of Proportional Representation in Boulder, Colorado," Washington University Studies, V. XIII, Humanistic Studies, No. 1, October, 1925, pp. 247-266.

National Municipal Review (NMR)

Lynn I. Perrigo, A Municipal History of Boulder, Colorado, 1871-1946, Mimeo, 1946

Phyllis Smith, A Look At Boulder - From Settlement to City (Boulder: Pruett Publishing Company, 1981)

Don C. Sowers, "Sixteen Years of Proportional Representation in Boulder," National Municipal Review, January, 1934 (23: 27-30)

Leonard Stitelman, Nonpartisan Municipal Elections in Boulder, Colorado, unpublished Ph. D. dissertation, University of Colorado, 1965.

Interviews

A. Gayle Waldrop

Jacob Van Ek